REMARKS

Applicants have carefully considered the Office Action of April 21, 2004 and provide the following comments.

Claim Amendments

Upon entry of the amendments, claim 1, 3, 4, and 7-18 will be pending in the application. Claims 2, 5, and 6 have been canceled. Applicants have amended claims 3 and 4 to be in independent form. Claims 16-18 have been added to the application. Claim 16 is in independent form. Claim 17 depends form claim 3. Claim 18 depends from claim 4. Applicants assert that no new matter has been introduced and are forwarding the requisite claim fees for the amendments.

Claim Rejections – 35 U.S.C. § 102

Claims 1-13 are rejected as anticipated in view of Hirata (US60521242). Upon entry of the claim amendments, this rejection will be addressed with respect to claims 1, 3, 4, and 7-13.

Applicants respectfully request that the rejection be withdrawn because the cited patent fails to inherently or explicitly disclose every feature of the claimed invention.

Regarding the rejection of independent claim 1, Applicants urge Hirata fails to disclose the claimed "size detecting means." To the artisan of ordinary skill, Hirata discloses an apparatus that limits the number of copies that can be made from digital material. The apparatus of Hirata relies on control code values that relate to the amount of

times a copy has been made. Hirata does not detect the size for the purpose of deciding the recordation location of a next data unit.

Applicants note that the Examiner refers to CPU 121 of Hirata as a "size detecting means." This is respectfully submitted to be erroneous. Hirata clearly states in column 3, lines 29-32, that:

> "[t]he CPU 121 determines whether or not it is possible to perform the copying, in other words, whether or not the digital signal is allowed to be output, according to the decoded control code values J.sub.0 and J, and further renews the control code values J.sub.0 and J."

Hirata further explains in column 3, lines 35-44, that:

> "The value J.sub.0 is data representing the possible number of times of copy. This is determined at the time of recording on the original tape, and is recorded in the recording area 3C on the tape. The other value J is data representing the number of times of copy. This is set to "0" at the time of recording on the original tape. If the value J.sub.0 is "0", copying cannot be performed at all. In a specific embodiment of the invention, if the value J.sub.0 is "8", the copy limitation is not imposed at all." (Emphasis added.)

Hence, the CPU 121 of Hirata would not have taught those of ordinary skill in the art any size detecting function. Rather, the CPU 121 of Hirata is concerned with the number of times a copy has been made in order to limit the total number of copies made from digital material.

Further, Applicants respectfully submit that Hirata fails to disclose the claimed "file creation controlling means for recording said next data to be recorded in another file or stopping recording if the case where the result of the decision by said size detecting means shows that recording is not possible." As discussed above, Hirata fails to inherently or explicitly disclose a size detecting means. Therefore, Hirata can not disclose a file creation controlling means that (either records in another file or stops recording) operates based on size as detected in accordance with Applicants' claim 1. Rather, the referenced section of Hirata indicates that the CPU 121 is involved with keeping track of the number of copies made, not the size (of, for example, the copied material.)

Regarding independent claims 3 and 4, Applicants urge the Examiner to withdraw the rejection in light of the claim amendments. These claims respectively recite "an image mode information detecting means for detecting a change of image mode information attached to said data" and a "voice mode information detecting means for detecting a change of a voice mode information attached to said data." Neither of these features are disclosed in Hirata. Applicants note that the Office Action references col. 2, lines 28-31 of Hirata in regards of image and voice mode information. However, the referenced section of Hirata merely discloses analog and digital input terminals for receiving video and audio signals. This section of Hirata is not relevant to the claimed "image mode information detecting

means" (please refer to pages 11-13 of the specification and the non-limiting examples pertaining to SDTV and HDTV signals, frame frequency, encode format, number of vertical lines) or the "voice mode information detecting means" (please refer to pages 13-15 and the non-limiting examples relating to sampling frequency, bits per one sound element, number of channels, and voice invalid information). Hirata merely discloses that audio and video signals can be received by the prior art apparatus. Hirata lacks relevant disclosure regarding the claimed detecting means. Likewise, the cited patent fails to disclose the "file recording means" set forth in claims 3 and 4.

Regarding independent claim 7, Applicants request that the rejection be withdrawn because Hirata fails to disclose a "file recording controlling means for converting the property of said data to the previous property and recoding data in said file when said detecting means detects a change of the property." Applicants submit that dependent claims 8 (image mode information) and 9 (voice mode information) are also allowable and have features that are not disclosed in the cited patent.

Regarding independent claim 10, Applicants assert that the rejection should be withdrawn because Hirata fails to disclose a "file recording controlling means for when said detecting means detects a plurality of types of property in one file, converting and unifying properties of all data that belongs to the file to a property of one of the plurality of types of property and recoding the data in a new file." Applicants submit that dependent claims 11 (image mode information) and 12 (voice mode information) are also allowable and have features that are not disclosed in the cited patent.

Regarding independent claim 13, Applicants maintain that Hirata fails to disclose a "size detecting means for deciding when data is sequentially recorded in the recording area whether next unit of the data to be recorded can be fully recorded in the same recording area" and a "file creation controlling means for recording said next data to be recorded in another recording area or stopping recording if the result of the decision by said size detecting means shows that recording is not possible."

Claim Rejections – 35 U.S.C. § 103

Claims 14 and 15 are rejected as obvious. Applicants request this rejection be withdrawn because these claims depend from allowable subject matter. Further, Applicants assert that there is insufficient teachings, hints, or suggestions in the cited prior art to perform the modification set forth in the Office Action.

New Claims

Claim 16 is respectfully urged to be allowable in view of Hirata. The cited patent fails to disclose the claimed "size detecting means" and "file recording means."

Claims 17 and 18 are allowable based upon their dependency. Further, Applicants submit that Hirata fails to disclose the specific image and voice mode data set forth in these dependent claims.

CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with the filing of this response, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

Date: July 21, 2004 Signature: 

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